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State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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Governor

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February 16, 1999

CERTIFIED RETURN RECEIPT  
P 074 978 520

Elliot Finley, Resident Agent  
Hiawatha Coal Company  
P. O. Box 1202  
Huntington, Utah 84526

Re: Division Order 99A, Hiawatha Coal Company, Hiawatha Complex, ACT/007/011-DO99A, Folder #3, Carbon County, Utah

Dear Mr. Finley:

The Division has completed a review of the Hiawatha Mining and Reclamation Plan (MRP) and have found it deficient with respect to cultural and historical information. Pursuant to R645-301-212, the Division has prepared the attached order to correct a deficiency associated with slurry pond #1. Our staff has had previous meetings with you regarding this issue and we feel that it can be resolved to everyone's satisfaction. You should also be aware that other potential deficiencies with your plan may exist which have not been identified here, because we have been waiting for your operations plans to be submitted. Until the operations plans are in place we will be unable to completely evaluate this issue.

We would be happy to help you with any questions that may arise. Should you desire further discussion or clarification please call Susan White at (801) 538-5258 or Daron Haddock at (801)538-5325.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Lowell P. Braxton'.

Lowell P. Braxton  
Director

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Enclosure

cc: Mary Ann Wright  
Daron Haddock  
Susan White

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**STATE OF UTAH  
DIVISION OF OIL, GAS AND MINING**

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**PERMITTEE**

**Hiawatha Coal Company, LLC**

**Elliot Finely, President  
P.O. Box 1202  
Huntington, Utah 84528**

**PERMIT NUMBER ACT/007/011  
DIVISION ORDER # 99A**

**ORDER & FINDINGS  
OF  
PERMIT DEFICIENCY**

**PURSUANT to R645-303-212, the DIVISION ORDERS the PERMITTEE, Hiawatha Coal Company, LLC, to make the requisite permit changes enumerated in the findings of Permit Deficiency in order to be in compliance with the State Coal Program. These findings are to be remedied in accordance with R645-303-220.**

**FINDINGS OF PERMIT DEFICIENCY**

**A review of the current Mining and Reclamation Plan and field investigations have revealed that one activity associated with the complex has not been adequately addressed or described in the Mining and Reclamation Plan in relation to Slurry Pond #1.**

**A cultural resource inventory was conducted in spring 1998, within the disturbed area of the Hiawatha Complex. The inventory found one historic mining district recommended eligible for listing on the National Register of Historic Places. Currently, the only active operations at this complex is coal fine recovery from Slurry Pond #1. Slurry Pond #1 was identified to be contributing to the recommended eligible historic mining district. Slurry Pond #1 is said to have been constructed in the early 1940's and has been modified numerous times since construction.**

**INFORMATION REQUIRED TO BE SUBMITTED BY REGULATION CITED**

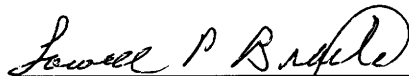
**R645-301-411.144 — Hiawatha Coal Company must provide the below listed documentation for Slurry Pond #1. It is recommended that the documentation be prepared following the standards specified by the Historic American Buildings Survey (HABS) and Historic American Engineering Record (HAER).**

1. A map of the current Slurry Pond configuration and a map of the proposed post-mining configuration of Slurry Pond #1.
2. Copies of existing maps and/or photo's (if any exist) depicting the condition and/or configuration of Slurry Pond #1 from 1940 through 1980.
3. Current photographs of Slurry Pond #1.
4. Written history of Slurry Pond #1, documenting the coal cleaning process and use of the slurry pond and changes over time that Slurry Pond #1 has undergone.

### ORDER

**Hiawatha Coal Company, LLC is ordered to make the requisite permit submittal, in accordance with R645-303-220 and to submit a complete and adequate application for permit change to address this findings of permit deficiency within 90 days of the date of receipt of this Order.**

**Ordered this 12<sup>th</sup> day of February, 1999, by the Division of Oil, Gas, and Mining.**



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**Lowell Braxton, Director  
Division of Oil, Gas and Mining**

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## 3. Article Addressed to:

ELLIOT FINLEY  
HIAWATHA COAL COMPANY  
PO BOX 1202  
HUNTINGTON UT 84526

## 4. Article Number

P 074 978 520

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*Dayna Stoddard*  
Date of Delivery

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DIVISION OF OIL, GAS & MINING  
1594 W NO TEMPLE STE 1210  
SLC UT 84114

ATTN: Tiffini MOSS

